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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

XIV. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

1. The Commission considered item 14 of the provisional agenda concurrently with items 5 and 6 (see chaps. V and VI) from its 8th to its 12th meeting, from 4 to 8 February, and at its 64th meeting, on 9 March 1994.

2. The Commission had before it the following documents:

Report of the Secretary-General on the draft programme of action for the third decade to combat racism and racial discrimination (A/48/423);

Note by the Secretary-General transmitting the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1994/63);

Note from the International Labour Office: ILO activity to combat racial discrimination in southern Africa (E/CN.4/1994/63);

Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1993/20 (E/CN.4/1994/66).

3. At the 9th meeting, on 4 February 1994, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance introduced his report (E/CN.4/1994/66) to the Commission.

4. In the general debate on item 14, statements were made by the following members of the Commission: Australia (11th), Bangladesh (11th), Brazil (8th), China (10th), Cyprus (11th), Cuba (11th), United States of America (9th), Russian Federation (10th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (11th), Hungary (9th), Republic of Korea (11th), Romania (11th), Sudan (9th).

5. The Commission also heard statements by the observers for: Algeria (11th), Egypt (12th), Spain (12th), Greece (on behalf of the European Union and its member States) (11th), Morocco (10th), Senegal (11th), Turkey (12th).

6. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), International Association against Torture (10th), International Association of

Educators for World Peace (12th), World Jewish Congress (9th), International Council of Jewish Women (9th), Centre Europe-tiers monde (10th), Movement against Racism and for Friendship among Peoples (10th), International Movement against All Forms of Discrimination and Racism (10th), International Fellowship of Reconciliation (12th).

7. A joint statement was made by the Women's International League for Peace and Freedom on behalf of the following non-governmental organizations: International Alliance of Women, African Association of Education for Development, International Association of Democratic Lawyers, International Council of Jewish Women, World Jewish Congress, International Indian Treaty Council, World Peace Council, International Abolitionist Federation, International Federation of Women in Legal Careers, World Federation of Methodist Women, World Federation of Trade Unions, International Lesbian and Gay Association, International League for the Rights and Liberation of Peoples, Movement against Racism and for Friendship Among Peoples, International Youth and Student Movement for the United Nations, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union among Races and Peoples, Third World Movement against the Exploitation of Women, World Federalist Movement, Centre International (10th).

8. At the 12th meeting, on 8 February 1994, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo, introduced his final observations,

9. At its 30th meeting, on 18 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

10. The representative of Senegal introduced draft resolution E/CN.4/1994/L.13, sponsored by Angola, Barbados, Brazil, Burundi*, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Ethiopia*, Gabon, Guatemala, Haiti*, Indonesia, Kenya, Lesotho, Madagascar*, Malawi, Mauritania, Mauritius*, Morocco*, Nigeria, Rwanda*, Senegal*, Sudan, Syrian Arab Republic, Togo, Tunisia, United Republic of Tanzania*, Zambia* and Zimbabwe*. Algeria*, Cuba, Denmark*, France, Jordan*, Libyan Arab Jamahiriya, Nicaragua*, Norway, Peru, Spain* and Sri Lanka subsequently joined the sponsors.

11. The representative of Senegal orally amended the draft resolution by replacing in the 17th preambular paragraph and in operative paragraph 10 the words "indigenous peoples" by the words "indigenous populations".

12. In accordance with rule 28 of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative implications and the programme budget implications of the draft resolution.

13. The draft resolution, as orally amended, was adopted without a vote.

14. The text of the resolution appears in section A of chapter A (resolution 1994/9).

15. On 16 February 1994, draft resolution E/CN.4/1994/L.14 was introduced by the following countries: Denmark*, Finland, Norway*, Romania, Sweden*, Turkey* and the United Kingdom of Great Britain and Northern Ireland. It read as follows:

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolution 1993/20 of 2 March 1993,

Recalling also General Assembly resolutions 48/91 of 20 December 1993 and 48/148 of 20 December 1993,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the Programme of Action for the Elimination of Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance,

Noting resolution 1993/3 of 16 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Having examined the first report (E/CN.4/1994/66) of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Concerned that despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, persist, and are even growing in magnitude, continually assuming new forms,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups,

1. Expresses its appreciation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for his report (E/CN.4/1994/66);

2. Welcomes the proclamation by the General Assembly of the Third Decade to Combat Racism and Racial Discrimination beginning in 1993 and the Programme of Action for the Third Decade;

3. Also welcomes the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia;

4. Requests the Special Rapporteur to examine, in accordance with his mandate, incidents and governmental measures and to report on these matters to the Commission at its fifty-first session;

5. Also requests the Special Rapporteur to have an exchange of views with the various relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation;

6. Calls upon all Governments, intergovernmental organizations, relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur;

7. Encourages the Special Rapporteur in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination;

8. Requests the Special Rapporteur to use any information that he might deem relevant to his mandate;

9. Encourages Governments to cooperate closely with the Special Rapporteur with a view to enabling him to fulfil his mandate;

10. Regrets that the Special Rapporteur encountered difficulties in preparing his first report, owing to the lack of necessary resources;

11. Requests the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance to carry out his mandate and to enable him to submit a comprehensive report to the Commission at its fifty-first session.

16. At the 31st meeting, the representative of Turkey introduced a revised draft resolution (E/CN.4/1994/L.14/Rev.1) sponsored by Denmark*, Finland, Norway*, Romania, Sweden* and Turkey*. Albania*, Australia, Austria, Belgium*, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, Hungary, Iceland*, Ireland*, Lichstenstein*, Malaysia, Mexico, New Zealand*, Peru, Russian Federation, Slovakia* and Switzerland* subsequently joined the sponsors.

17. The Chairman drew attention to the following correction: the phrase "as established in Commission resolution 1993/20 of 2 March 1993" which appeared at the end of operative paragraph 8 should come after the word "mandate" at the end of paragraph 9.

18. Statements in connection with the draft resolution were made by the representatives of Brazil, Chile, the Islamic Republic of Iran, Mauritius, the Sudan and the Syrian Arab Republic.

19. The representative of Mauritius requested that the seventh preambular paragraph should be put to the vote.

20. At the request of the representative of the United States of America, this vote was taken by roll-call.

21. The seventh preambular paragraph was retained by 34 votes to none, with 17 abstentions. The voting was as follows:

In favour:	Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Malaysia, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.
Against:	None.
Abstaining:	Bangladesh, China, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia.

22. The representative of the United States of America proposed that in operative paragraph 4 of the draft resolution the word "anti-Semitism" should be inserted after the words "racial discrimination".

23. The amendment was supported by the Netherlands.

24. The representative of the Syrian Arab Republic proposed that in operative paragraph 4 of the draft resolution the words "anti-Arab and anti-Islam" should be inserted after the word "anti-Semitism", whose insertion had been proposed.

25. This amendment was supported by the Sudan and Iran.

26. The representative of Germany proposed that in operative paragraph 7 of the draft resolution the word "anti-Semitism" should be inserted after the words "racial discrimination".

27. The representative of the Syrian Arab Republic proposed that in operative paragraph 7 of the draft resolution the words "anti-Arab and anti-Islam" should be inserted after the word "anti-Semitism", whose insertion had been proposed.

28. Statements in connection with the draft resolution and proposed amendments were made by the representatives of Brazil, Bulgaria, Kenya, the Libyan Arab Jamahiriya and Peru.

29. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.14/Rev.1.

30. At the 64th meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.14/Rev.1.

31. The representative of Turkey proposed the following oral amendments to the English text of the draft resolution:

(a) In operative paragraph 4, the words "any forms of discrimination against Blacks, Arabs and Muslims" should be inserted after the words "racial discrimination";

(b) In the same paragraph, the word "anti-Semitism" should be inserted after the word "xenophobia".

32. The representative of Nigeria proposed that, in the English text of operative paragraph 4, the word "negrophobia" should be inserted after the word "xenophobia".

33. Statements in connection with the draft resolution and proposed amendments were made by the representatives of Brazil, Cuba, Finland and the Russian Federation.

34. The representative of Mauritius requested a vote on the amendments to the draft resolution proposed by Turkey and Nigeria.

35. At the request of the representative of Cuba, a roll-call vote was taken on the amendment proposed by Nigeria.

36. The amendment was adopted by 39 votes to none, with 13 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Ecuador, France, Gabon, Germany, Guinea Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: None.

Abstaining: Australia, Austria, Brazil, Bulgaria, Canada, Finland, Japan, Malaysia, Mauritius, Netherlands, Russian Federation, United States of America, Venezuela.

37. The delegation of Costa Rica stated that it had not taken part in the vote.

38. At the request of the representative of Mauritius, the amendment proposed by Turkey was put to the vote.

39. The amendment was adopted by 51 votes to none, with 2 abstentions.

40. The representative of the Sudan made a statement and agreed not to press the amendment proposed by the representative of the Syrian Arab Republic at the 31st meeting, which his delegation had supported.

41. The representatives of France and the Syrian Arab Republic made statements explaining their delegation's position.

42. The draft resolution as amended was adopted without a vote.

43. For the text, see chapter II, section A, resolution 1994/64.

44. Statements in explanation of vote were made by the representatives of Indonesia and Uruguay.